

T-20567A-07-Dwlon



0000095927

ORIGINAL

ARIZONA CORPORATION COMM
UTILITY COMPLAINT FORM

Investigator: Al Amezcua

Phone: [REDACTED]

Fax: [REDACTED]

Priority: Respond Within Five Days

Opinion No. 2009 - 78048

Date: 4/3/2009

Complaint Description: 08A Rate Case Items - Opposed
N/A Not Applicable

Complaint By: First: Last:
Ronald Finkel

Account Name: Ronald Finkel

Home: [REDACTED]

Street: [REDACTED]

Work: (000) 000-0000

City: Scottsdale

CBR: [REDACTED]

State: AZ Zip: 85255

is: E-Mail

Utility Company: Newpath Networks, LLC

Division: Telephone

Contact Name: n/a

Contact Phone: (000) 000-0000

Nature of Complaint:

Received correspondence from Mr. Finkel for Edward F Weller III

Inquiry filed please reference no. 2009-77949.

Ronald Finkel for Edward F. Weller III

[REDACTED]

[REDACTED]

Arizona Corporation Commission

DOCKETED

APR 17 2009

DOCKETED BY

[Signature]

Docket you wish to comment on: T-20567A-07-0662
Case or Utility Name: Newpath Networks
Docket Number: T-20567A-07-0662
Position on Docket: Con

AZ CORP COMMISSION
DOCKET CONTROL

2009 APR 17, P 3:33

RECEIVED

As President of Happy Valley Ranch 1, HOA, I have been asked to submit this for Mr. Weller, since I have been working with Mr. Weller and fellow members of our Happy Valley Ranch HOA Cell Tower Steering Committee. Mr. Weller will submit other issues independently, but this is an item that we have worked directly with Mr. Garcia from Newpath, Keith Niederer from City of Scottsdale Planning and Zoning, and still with the Cities involvement Newpath has been extremely slow to answer a few basic questions. Mr. Weller asked Newpath back on October 4th, 2008 via E-mail that can be documented the question at the end of this comment card, again Mr. Garcia was asked directly via a documented E-mail from Keith Niederer on December 3, again on a documented E-mail from Keith Niederer on March 9th, and as of today March 22, 2009, still no answer. Newpath has made claims that they are testing and can't give clear answers, yet we understand that their original part supplier is out of business, so what are they testing, and further if they are testing, how can they make claims at HOA presentations, City of Scottsdale Planning Presentations and Workshops, Neighborhood Open Houses of current safety, electrical, size issues, output, distance between towers etc?

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

[REDACTED]
The is the original E-mail on October 4, 2008.

Original Message

From: EDWARD F WELLER lli

To: [REDACTED]

Sent: Saturday, October 04, 2008 8:33 PM

Subject: DAS antennas in Happy Valley Ranch

Steve,

I am working with Ron Finkel and others from the HOA to better understand what is being proposed. There seems to be considerable misunderstanding of what is being proposed, as well as incomplete information

Could you provide answers to the following questions, or forward them to your engineering department for answers?

What is [REDACTED] typical RF signal strength in watts (or whatever you use to measure this) for the typical cell tower and for the 16 ft and 24 foot DAS towers

2) I do not understand the close spacing on the layout on the nominal east-west direction, and yet no towers going north. Is the picture incomplete? If you can cover 1/2 mile in a northward direction, why are the 2 antennas about 1/4 mile apart on Roping and Ranch Gate/Wrangler?

3) what is the tradeoff on height/signal strength/distance that requires more antennas throughout the neighborhood, versus fewer towers at the mile road intersections 4) what is the proposed diameter of the antenna towers? Do you have pictures or a model of the proposed saguaro cactus tower? there is a concern that they will look very artificial - and it is possible the neutral sand colored pole will actually be less offensive than a remarkably artificial cactus

5) as signal strength falls off as the square of the distance (if I remember right from long ago when I worked with RF) what is the signal strength at 25/50/100 ft? Although some say any RF can be harmful, others suggest there is a threshold. Do you have any other comparisons with RF fields, such as the cell phone user vs the tower signal strength? 6) I suspect the base stations are of as much concern as the towers. What would be the max size if 4 or more companies decided to take advantage of your network?

Thanks

Ed Weller

End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

4/3/09 Response emailed to Mr. Finkel.

April 3, 2009

RE: NEWPATH NETWORKS, LLC

Dear Mr. Finkel:

Your letter regarding the Newpath Networks, LLC ("Newpath") application will be placed on file with the Docket Control Center of the Arizona Corporation Commission ("Commission") to be made part of the record. The Commission will consider your comments before a decision is rendered in the Newpath application.

Staff appreciates your comments and the interest taken on the proposed application.

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

Sincerely,

Alfonso Amezcua
Public Utilities Consumer Analyst II
Utilities Division
End of Comments

Date Completed: 4/3/2009

Opinion No. 2009 - 78048

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

Investigator: Al Amezcua

Phone: [REDACTED]

Fax: [REDACTED]

Priority: Respond Within Five Days

Opinion **No.** 2009 - 78038

Date: 4/3/2009

Complaint Description: 08A Rate Case Items - Opposed
N/A Not Applicable

First:

Last:

Complaint By: **Michael J**

Malatak

Account Name: Michael J Malatak

Home: [REDACTED]

Street: [REDACTED]

Work: (000) 000-0000

City: Scottsdale

CBR: [REDACTED]

State: AZ **Zip:** 85255

is: E-Mail

Utility Company: **Newpath Networks, LLC**

Division: Telephone

Contact Name: n/a

Contact Phone: (000) 000-0000

Nature of Complaint:

4/3/09 Received email from Mr. Malatak

From: [REDACTED]

Sent: Saturday, March 28, 2009 12:14 PM

To: Utilities Div - Mailbox

Subject: Newpath Networks / Docket Number: T-20567A-07-0662

Michael J Malatak
[REDACTED]

Docket Number: T-20567A-07-0662 (against)

Dear Commission Members,

I am writing to strongly urge your rejection of Newpath Networks request for utility status and granting them permission to build hundreds of cell towers throughout the City of Scottsdale.

I do not understand how the destruction of property values for thousands of homeowners throughout our city will be beneficial to anyone other than Newpath and AT&T. Any fees the City of Scottsdale realizes from right of way leases, will hardly make up for the overall loss of property values.

The law as written, forbids scientific data that links major health issues from being considered when granting or, denying permission to build these towers. Unfortunately, the law does not take into account the stigma associated with these towers. A potential home buyer certainly WILL and DOES take health into consideration when looking at a home that comes complete with a 24' fake, humming cactus nearby, or in front of it.

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

Bottom line: How is it fair that Newpath, ATT and the City of Scottsdale will turn a profit from this deal while thousands of Arizona Citizens watch their property values fall as a result of this deal?

Sincerely,

Michael J Malatak

[REDACTED]
(Happy Valley Ranch)

End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

4/3/09 Response emailed to Mr. Malatak.

April 3, 2009

RE: NEWPATH NETWORKS, LLC

Dear Mr. Malatak:

Your letter regarding the Newpath Networks, LLC ("Newpath") rate case will be placed on file with the Docket Control Center of the Arizona Corporation Commission ("Commission") to be made part of the record. The Commission will consider your comments before a decision is rendered in the Newpath application.

Staff appreciates your comments and the interest taken on the proposed application.

Sincerely,

Alfonso Amezcua

Public Utilities Consumer Analyst II

Utilities Division

End of Comments

Date Completed: 4/3/2009

Opinion No. 2009 - 78038
